

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

*EX PARTE* APPLICATION OF EURASIAN  
NATURAL RESOURCES CORPORATION  
LIMITED PURSUANT TO 28 U.S.C. § 1782 FOR  
LEAVE TO TAKE DISCOVERY FOR USE IN  
FOREIGN PROCEEDINGS

Applicant.

Case No. 20 mc. \_\_\_\_

***EX PARTE* APPLICATION OF EURASIAN NATURAL RESOURCES CORPORATION  
LIMITED PURSUANT TO 28 U.S.C. § 1782 FOR LEAVE TO TAKE DISCOVERY FOR  
USE IN FOREIGN PROCEEDINGS**

Based upon the concurrently filed Memorandum of Law, Declarations of Duane L. Loft and Niranjan Shanmuganathan, and supporting documents, Eurasian Natural Resources Corporation Limited (“ENRC”) respectfully applies to this Court for an Order, pursuant to 28 U.S.C. § 1782, and Federal Rules of Civil Procedure 26, 30, and 45, granting it leave to serve Respondent HarperCollins Publishers, LLC, with a subpoena in substantially the same form as that attached as Exhibit A to the Declaration of Duane L. Loft for the production of documents and deposition testimony for use in English court proceedings.

ENRC’s application meets the requirements of Section 1782. The subpoena recipient is “found” within this district, the narrow discovery ENRC requests is “for use” in contemplated proceedings before foreign tribunals, and ENRC, as the plaintiff of the foreign proceedings, is an “interested person.” The factors set forth by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), also weigh in favor of ENRC’s limited discovery requests: (1) Respondent will not be a party or participant in the foreign proceedings; (2) English courts are receptive to discovery obtained pursuant to Section 1782; (3) obtaining

discovery through Section 1782 would not circumvent any proof-gathering restrictions; and (4) the subpoenas are narrowly tailored to avoid unnecessary burdens on the Respondent.

ENRC, therefore, respectfully requests that this Court enter an Order granting this Application.

Respectfully submitted,

/s/ Duane L. Loft

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